Division	: Magistrate Court of Western Australia
Originating Court	: Fremantle
Jurisdiction	: Criminal
Proceeding	: Sentence
Citation	: File No/s : MAG - 00032575/22
Dated	: 14 Day[1] of April 2023

I. Your Honour

Between : The State of Western Australia

against[2]

: Mr. Paul Simon Coles

University Prayer

Notre Dame, Mother of Jesus and our Mother, We ask you to guide our University. Mary,as you cared for Jesus, Show a loving care for us, As we expand our minds in study and research, As we open our hearts to future possibilities, And extend our hands to those who are in need. Mary, Seat of Wisdom, Teach us to care for the land and the people Of this country of the Southern Cross. In this academic community dedicated to you, Help us find new yet faithful ways Of bringing the message of Jesus to Australia And to those who share this region of the earth with us. Amen

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Legislation:

England. Magistrate Court Act 1952

Crimes Act, 1914-1960 (1961) (Cth)

Magistrate Court Act 2004 (WA)

Criminal Code Act Compilation Act 1913 (WA)

Criminal Procedure Act 2004 (WA)

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[1] *2 Bla.Com.*141 ; *Kane v. Commonwealth* , 89 Pa. 522, 33 Am. Rep 787;

[2] *State v. Prather,* 54 Ind. 63.

Evidence Act 1906 (WA)

Legal Profession Uniform Law Application Act 2022 (WA)

Sentencing Act 1995 (WA)

Sentence Administration Act 2003 (WA)

Endorsed plea in mitigation

Rear[3] Plea in Guilty

Subject Matter

Mr. Coles entered a guilty declaration of *pro eu quad* [4] upon assaulting and obstructing, Constable Clayton on 14 day of Feb 2022, whereto, her action was in the execution/performance of her duties.Therefore, Mr.Coles estimated[5] the division[6] 3/4 and breached s 318 (1)(d) in descending s 172(2) of the Criminal Code.[7]

Breached, s 318 (1)(d)[8] and s 172(2)[9] are indictable/simple offences/, and carries maximum penalty of 7 years of imprisonment, pursuant to s 318(1)(m)[10]and later, maximum sentence of imprisonment for 18 months and a fine of $18000, pursuant to s 172(2).[11]

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[3] *Read v Clarke,109 Mass 82.*

[4] *1 Saund. 117; 2 Chit. Pl. 369-393;*

[5] *People v. Clark 37 Hun (N.Y.) 203.*

[6] *1Den. Cr. Cas.* 222.

[7] *Criminal code Act Compilation Act 1913*

[8] Ibid

[9] Ibid

[10] Ibid

[11] Ibid

Thereto, entering the guilty plea, Jurisdiction[12] is conferred by the Statue Act and the written laws under s 11(2)(a)(b)[13]to etiquette and determine a charge of s 318(1)(d) and s 172(2) of the Criminal Code.

Legal Contention[14]

The onus of proving, Mr Coles guilt rest upon the prosecution.[15]Where, Mr. Coles has no record of previous convictions[16] and has intended[17] remorse for his actions under exhibit 2.
Constable Clayton has not sustained any physical , psychological or psychiatric injury as a result of incident. Therefore, argument is identifiable and justifiable by reference.[18]

Application of the Test[19]

Assessment of the multiple charges is contended upon the prosecution,[20]under the schedule 1, Division 2 , Clause 7(3) of the Act[21].

Admissible/Dehors[22] Evidence

Mr. Coles presented and aimed, admissible reviewed exhibit ,directly at Constable Clayton's body. that this is, unlikely to cause any serious injury was a real evidence.[23]

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[12]*Magistrate Act 2004*

[13] Ibid

[14] *Criminal Procedure Act 2004.*

[15] *Chugg v Pacific Dunlop ltd* (1950) 170 CLR 249.

[16] Annexure A.

[17] Annexure B.

[18] *Aconi v The Queen* [2001] WASCA 211 at [18].

[19] *Criminal Procedure Act 2004*.

[20] Ibid.

[21] Ibid.

[22] *Bourier's Law Dictionary and concise encyclopedia* (8th ed, 1914) (V1).

[23] *Line v Taylor* (1862) 176 ER 335.

Mr.Coles, felt mentioned threat, upon struck and implied the cause of nuisance to his registered chattel.Therefore , the connection between the charges is not established under the Test.[24] Application of self defence, principle is delayed [25]in 'swing' and unconditionally acknowledged under the sustained imposition on the resources. Evidence Dehored.

Judicial Declaration

Traditional purpose of sentencing and deterrence[26]is implying the application of the Test.[27] The principle[28] of reasonable proportion ability[29] commensurate with the seriousness of the offence upon vacuuming aggravating[30] and mitigating[31] factors contended in real evidence.[32] Mr. Coles entered the guilty declaration and adverting the estimate of the sentence under the admissible and relevance evidence. whereto, appropriation of the severity[33] should be considered under the precedent.[34]

Enclosure Address

May it Pleases the Court.

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[24] *Criminal Procedure Act 2004*.

[25] *Calvinus, Lex*. ; *Du Cange* ; *Bract. fol*. 352 *b ; Fleta, lib*. 4, c. 5, Section 8**.**

[26] *Magaming v The Queen* [2013] HCA 40; 87 ALJR 1060 [51] (French CJ, Hayne, Crennan, Kiefel & Bell).

[27] *Criminal Procedure Act 2004*.

[28] *Sentencing Act 1995* (WA), s6.

[29] *Veen v The Queen* [No.2] (1988) 164 CLR 465,472; *DPP (Cth) v Northcote* [2014] NSW CLA 26 [75]; *R v Hadchiti* [No.3] [2014] NSWSC 257.

[30] *Sentencing Act 1995* (WA), s7.

[31] *Sentencing Act 1995* (WA), s8.

[32] *Line v Taylor* (1862) 176 ER 335.

[33] *Crimes Act 1914* (Cth), s16 A.

[34] *Sentencing Act 1995* (WA), s41 (6)(a).